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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,084	08/21/2003	Petro Estakhri	LEXA-00206	1728
28960	7590	11/03/2005	EXAMINER	
HAVERSTOCK & OWENS LLP			SORRELL, ERON J	
162 NORTH WOLFE ROAD				
SUNNYVALE, CA 94086			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/647,084	ESTAKHRI ET AL.
	Examiner Eron J. Sorrell	Art Unit 2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 2-8 and 14-16 is/are allowed.
- 6) Claim(s) 1 and 9-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/25/05 8/29/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones (U.S. Patent No. 5,928,347).

4. Referring to claim 1, Jones teaches a flash memory card interfacing system (see item 10 in figure 2) for detachably connecting to a host computer system (see lines 34-39 of column 4), the flash memory card interfacing system also configured for

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performing data storage and control operations (see lines 13-27 of column 4), the flash memory interfacing system comprising:

a device for connecting a flash memory card to a USB port (see items 54 and 144 and the communication links therebetween), such that the flash memory card operates as a removable storage for the host computer system (see lines 60-63 of column 3).

5. Referring to claim 9, Jones teaches a flash memory card interfacing system (see item 10 in figure 2) for detachably connecting to a host computer system (see lines 34-39 of column 4), the flash memory card interfacing system also configured for performing data storage and control operations (see lines 13-27 of column 4), the flash memory interfacing system comprising:

a device for connecting a flash memory card to a USB port (see items 54 and 144 and the communication links therebetween), such that the flash memory card automatically configures itself to cooperatively operate in a selected operating mode through the device (see lines 15-21 of column 8).

6. Referring to claim 10, Jones teaches the selected operating mode is a USB mode (see lines 30-34 of column 7).

7. Referring to claim 11 and 12, Jones teaches the interfacing system further comprising a fifty pin or sixty-eight pin connector end configured to couple to the device (see item 134 in figure 2, note the SCSI specification allows for 50 or 68 pin connectors).

8. Referring to claim 13, Jones teaches the flash memory card is powered by the system (see lines 30-34 of column 7, note USB provides for powering peripherals from the host power supply).

Allowable Subject Matter

9. Claims 2-8 and 14-16 are allowed.

Response to Arguments

10. The applicant received a first action on the merits on March 31, 2005, wherein the claim 1 was rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 5,928,347 to Jones. With this Office Action, the rejections based on Jones are reinstated.

11. Applicant's arguments filed June 9, 2005, in response to the first action on the merits have been fully considered but they are not persuasive. The applicant argues:

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1) "Unlike Jones, the present invention does not require that data be buffered and cached in the interface... The interfacing system of the present invention allows for the direct transfer of data between the flash memory card and the host computer system, thereby eliminating the need for external caching. For at least these reasons, the independent Claim 1 is allowable over the teachings of Jones."

12. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the direct transfer of data between the flash memory card and the host computer system, thereby eliminating the need for external caching) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

13. Applicant's arguments filed 10/5/05 are now rendered moot.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS

October 28, 2005



KIM HUYNH
PRIMARY EXAMINER

